



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

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**NOTICE OF APPEAL AND REQUEST FOR
EXTENSION OF TIME
PURSUANT TO 37 C.F.R. § 1.136(a) AND
TRANSMITTAL OF RESPONSE**

Docket Number
2345/17A

Application Number
09/750,837

Filing Date
December 28, 2000

Examiner
Lawrence Ferguson

Art Unit
1774

Title
**CALIBRATED SCALE IN THE NANOMETER RANGE
FOR TECHNICAL DEVICES USED FOR THE HIGH-
RESOLUTION OR ULTRAHIGH-RESOLUTION
IMAGING OF STRUCTURES**

Applicant(s)
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Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: June 15, 2004

Signature: Linda M. Shudy
Linda M. Shudy (Reg. No. 47,084)

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action of December 15, 2003 finally rejecting claims 1 to 5. Applicants believe that claims 1 to 5 should be allowed, and respectfully make this appeal of the Examiner's rejections of those claims.

This is also a Request pursuant to 37 C.F.R. § 1.136(a) by which Applicants respectfully request a three-month extension of time in which to respond to the Final Office Action so that the original three month response period is extended from March 15, 2004 to June 15, 2004. An Amendment is being filed concurrently (attached hereto) with this Notice of Appeal.

The Commissioner is hereby authorized to charge the 37 C.F.R. § 1.191 Notice of Appeal fee, which is believed to be **\$330.00**, and the 37 C.F.R. § 1.136(a) three-month extension fee, which is believed to be **\$950.00**, to the deposit account number **11-0600** of **Kenyon & Kenyon**. The Commissioner is also authorized, as appropriate and/or necessary, to charge any additional fees, including any additional Rule 136(a) extension fees, or credit any excess fees to deposit account number **11-0600** of **Kenyon & Kenyon**. Two duplicate copies of this paper are enclosed for those purposes.

Dated: June 15, 2004

By:

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